



Docket No.: M4065.0944/P944
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Brent A. McClure

Application No.: 10/635,580

Group Art Unit: 2825

Filed: August 7, 2003

Examiner: Igwe U. Anya

For: IMAGER PHOTO DIODE CAPACITOR
STRUCTURE WITH REDUCED PROCESS
VARIATION SENSITIVITY

Allowed: April 2, 2004

ATTN: BOX ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMMENTS ON EXAMINER'S STATEMENT
OF REASONS FOR ALLOWANCE**

Dear Sir:

Applicant agrees in part with the Examiner's statement of reasons for allowance in that the prior art of record fails to disclose, teach or suggest the claimed invention. However, the Examiner's statement does not accurately track the language of the independent claims.

Applicant further notes that the Examiner's statement fails to address all limitations of all of the allowed claims. For example, certain claim limitations were not discussed in the Examiner's Reasons for Allowance, including those in the dependent

claims, each of which defines a unique combination of features not shown or suggested by the prior art, providing additional reasons for allowance of each claim.

Furthermore, Applicant respectfully submits that the scope of the claimed invention should not be limited by the Examiner's statement, but rather the scope of the claimed invention should be based on the actual language of the allowed claims.

Dated: June 25, 2004

Respectfully submitted,

By 

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